UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/1/Add.2
17 January 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

Addendum

1. This document has been prepared to complete the annotations to the provisional agenda of the Commission on Human Rights at its forty-seventh session. 1/ Its purpose is to bring to the attention of the Commission those decisions and resolutions adopted by the General Assembly at its forty-fifth session, which are considered relevant to the agenda items of this session of the Commission.

2. At its forty-fifth session, the General Assembly adopted the decisions and resolutions relating to human rights as listed in the annex to the present document.

3. The following paragraphs complete the annotations to the provisional agenda.

Item 4. Question of the violations of human rights in the occupied Arab territories, including Palestine

4. The attention of the Commission is drawn to the Reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/45/84, A/45/306, A/45/576) which were considered by the General Assembly at its forty-fifth session. The General Assembly adopted resolutions 45/74, A to G, of 11 December 1990. By

---

1/ E/CN.4/1990/1/Add.1

GE.91-10084/2773B

READEX

these resolutions, the Assembly renewed the mandate of the Special Committee [resolution A], reaffirmed the applicability to the occupied territories of the Fourth Geneva Convention of 12 August 1949 [resolution B], determined that all measures and actions taken by Israel in the occupied territories, including Palestine, are in violation of the relevant provisions of this Convention, deplored the arbitrary detention or imprisonment by Israel of thousands of Palestinians [resolution C], deplored the continuing disregard by Israel of the relevant resolutions and decisions of the Security Council and resolutions of the General Assembly [resolution E], strongly condemned Israel for its refusal to comply with the relevant resolutions of these organs, in particular Council resolution 487 [1981] [resolution F], and condemned Israeli policies and practices against Palestinian students and faculty members in educational institutions [resolution G].

Item 5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

5. By its resolution 45/144 of 14 December 1990 entitled "Torture and inhuman treatment of children in detention in South Africa", the General Assembly expressed its profound outrage at evidence of detention, torture and inhuman treatment of children in South Africa.

Item 6. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

6. By its resolution 45/84 of 14 December 1990, the General Assembly expressed its appreciation to the Special Rapporteur of the Sub-Commission for his updated report, invited the Special Rapporteur to continue to update his report, requested the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa and to contact the Government of South Africa so as to enable the Special Rapporteur to undertake a visit in situ, and decided to examine this matter at its forty-seventh session as a matter of high priority.

Item 7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

Sub-item (a) Problems related to the right to enjoy an adequate standard of living: foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development.

7. By its resolution 45/98 of 14 December 1990, entitled "Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States",

the General Assembly requested the Commission to consider the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributes to the development of individual liberty and initiative, which serve to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms.

Item 8. Question of the realization of the right to development

8. By its resolution 45/97 of 14 December 1990, the General Assembly took note with interest of the report on the Global Consultation on the Realization of the Right to Development, reiterated the need for a continuing evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration, and called upon the Commission to continue to make proposals to the General Assembly on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration.

Item 9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

9. In line with previous years, the General Assembly adopted resolutions 45/130, "Importance of the universal realization of the right to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights", and 45/31, "Universal realization of the right to self-determination", in which it requested the Commission to continue to give special attention to the violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation.

Special Rapporteur on the question of mercenaries

10. By its resolution 45/132 of 14 December 1990, the General Assembly took note with appreciation of the report of the Special Rapporteur of the Commission and once more condemned the use and support of mercenaries.

Item 10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

Sub-item (a) Torture and other cruel, inhuman or degrading treatment or punishment

United Nations Voluntary Fund for Victims of Torture

11. By its resolution 45/143 of 14 December 1990, the General Assembly called upon all Governments, organizations and individuals to contribute to the Fund, preferably on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants.

Sub-item (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

12. By its resolution 45/142 of 14 December 1990, the General Assembly reiterated its request to all States to become parties to the Convention as a matter of priority and to consider the possibility of making the declarations

provided for in articles 21 and 22 of the Convention, and stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture.

Sub-item (c) Question of enforced or involuntary disappearances

13. By resolution 45/165 of 18 December 1990, the General Assembly welcomed the decision of the Commission to extend for two years the term of the mandate of the Working Group on Enforced or Involuntary Disappearances of the Commmission, appealed to the Governments concerned to co-operate fully with it, in particular when the Working Group wishes to visit their countries and called upon the Commission to continue to study this question as a matter of priority, and to take any step it may deem necessary to the pursuit of the task of the Working Group.

Human rights in the administration of justice

14. The General Assembly adopted resolution 45/166 of 18 December 1990, by which it requested the Commission to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the implementation of United Nations norms and standards in this field, to identify problems that may impinge on the effective implementation of these standards and norms, to recommend viable solutions with action-oriented proposals to the Commission, requested the Secretary-General to prepare a draft model text for national legislation in the field of human rights in the administration of justice, requested the Commission to invite the Sub-Commission to consider this draft model text with a view to a further elaboration of model texts and to propose such texts to the Commission, and requested the Secretary-General to continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice.

Item 11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

Sub-item (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

15. By its resolutions 45/167 of 18 December 1990, "Regional arrangements for the promotion and protection of human rights", the General Assembly welcomed the development of contacts between regional bodies and commissions and the United Nations, invited States within their respective regions to consider agreements to establish suitable regional machinery for the promotion and protection of human rights where they do not exist, and requested the Commission to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations. In this context, the attention of the Commission is drawn to resolution 45/168 of 18 December 1990, entitled "Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region".

16. By its resolution 45/99 of 14 December 1990, "Development of public information activities in the field of human rights", the General Assembly reaffirmed the need for specific modalities of designation and dissemination of information materials on human rights, including audio-visual materials, encouraged all Member States to make special efforts to provide, facilitate and encourage publicity for the activities of the United Nations in the field of human rights, including in their educational curricula materials, and requested the Commission, at its forty-seventh session, to give priority consideration to this question with a view to providing appropriate guidance on the aims and activities of the World Campaign.

17. By its resolution 45/155 of 18 December 1990, entitled "World Conference on Human Rights", the General Assembly decided to convene at a high level a World Conference on Human Rights in 1993, to establish a Preparatory Committee that shall hold a five day session at Geneva in September 1991, instructed it to deal with the substantive preparation of the Conference bearing in mind the recommendations of the Commission at its forty-seventh session, and requested the Commission to make recommendations to the Committee during those sessions that will take place prior to the Conference.

18. The General Assembly adopted resolution 45/96 of 14 December 1990, "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", in which it reiterated its request that the Commission should continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and resolution 45/150 of 18 December 1990, "Enhancing the effectiveness of the principle of periodic and genuine elections", in which the Assembly believed that the international community should continue to give serious consideration to ways in which the United Nations can respond to the request of Member States as they seek to promote and strengthen their electoral institutions and procedures.

19. By its resolution 45/151 of 18 December 1990 entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes", the General Assembly reiterated that, by virtue of the Charter of the United Nations, all peoples have the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development, and called upon the Commission, at its forty-seventh session, to give priority to the review of the fundamental factors that negatively affect the observance of the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes.

20. By its resolution 45/163 of 18 December 1990, entitled "Strengthening of United Nations action in the human rights field through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity", the General Assembly affirmed that the full realization of human rights should be guided by the principles of non-selectivity, impartiality and objectivity, and should not be used for political ends, expressed its conviction that an unbiased and fair approach to human rights issues contributes to the promotion of international co-operation, underlined in this context the need for impartial and objective information on the political, economic and social situations and events of all countries, and requested the Commission, at its forty-seventh session, to examine the content of the present resolution.

21. By its resolution 45/164 of 18 December 1990, entitled "International Year for the World's Indigenous People", the General Assembly proclaimed 1993 as International Year for the World's Indigenous People and requested the Commission to consider at its forty-seventh session possible United Nations activities in connection with this Year.

22. The attention of the Commission may also be drawn to General Assembly resolution 45/101 of 14 December 1990, entitled "New international humanitarian order", and 45/102 of 14 December 1990, entitled "Promotion of international co-operation in the humanitarian field".

Sub-item (c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

23. On 21 December 1990, the General Assembly adopted resolution 45/180 entitled "Developments relating to the activities of the Centre for Human Rights".

Item 12. Question of the violations of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

Sub-item (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and ECOSOC resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations

Situation of human rights in various countries

(d) Situation in Afghanistan

24. By its resolution 45/174 of 18 December 1990, the General Assembly welcomed the fact that the Special Rapporteur was able to visit areas in Afghanistan not under Government control, urged the parties to the conflict to respect the Geneva Convention and the Additional Protocols thereto, and decided to keep this subject under consideration at its forty-sixth session, in the light of additional elements provided by the Commission and the ECOSOC.

(g) Situation of human rights in El Salvador

25. By its resolution 45/172 of 18 December 1990, the General Assembly expressed its satisfaction at the agreements signed between the Government and the Frente Farabundo Marti para la Liberacion Nacional in 1990, took note of their agreement concerning the initial objective of the negotiating process started at Caracas on 21 May 1990, urged the parties to make the greatest possible efforts to carry out all the political agreements announced, expressed its deep concern about the persistence of human rights violations, the unsatisfactory capacity of the judicial system and the lack of co-operation on the part of certain sectors of the armed forces, requested the Commission at its forty-seventh session to consider the situation of human rights in El Salvador, and requested the parties to continue co-operating with the Special Representative of the Commission.

(i) Situation of human rights in the Islamic Republic of Iran

26. By its resolution 45/173 of 18 December 1990, the General Assembly called upon the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, requested the Secretary-General to respond favourably to request for technical assistance from the Government, and noted that the Commission will consider the situation of human rights in this country at its forty-seventh session and will refer the question, as appropriate, to the Assembly at its forty-sixth session.

The situation of human rights in occupied Kuwait

27. By its resolution 45/170 of 18 December 1990, the General Assembly condemned the Iraqi authorities and occupied forces for their serious violations of human rights against the Kuwaiti people and the third-state nationals, affirmed the application to Kuwait of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and that, as a high contracting party, Iraq is bound to comply fully with all its terms, expressed its serious concern about the systematic attempts on the enjoyment of economic, social and cultural rights, demanded that Iraq co-operate fully with and give access to Kuwait to representatives of humanitarian organizations, condemned the rejection by Iraq of the offer of the Government of Kuwait to send humanitarian assistance to the Kuwaiti people under occupation, and requested the Commission at its forty-seventh session to consider the situation of human rights in occupied Kuwait.

Summary or arbitrary executions

28. By resolution 45/162 of 18 December 1990, the General Assembly renewed the mandate of the Special Rapporteur, urged all Governments to co-operate with and assist the Special Rapporteur to promote an exchange of views between Governments and those who provide reliable information to the Special Rapporteur where the Special Rapporteur considers that such exchanges of information might be useful, and requested the Commission at its forty-seventh session to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

Human rights and mass exoduses

29. By its resolution 45/153 of 18 December 1990, the General Assembly invited the Commission to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangements instituted by the Secretary-General to avert new massive flows of refugees and displaced persons.

Item 13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

30. By its resolution 45/158 of 18 December 1990, the General Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, and called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expressed the hope that it will come into force at an early date.

Item 14. Human rights and scientific and technological developments

Draft body of guidelines, principles and guarantees for the protection of mentally-ill persons

31. By its resolution 45/92 of 14 December 1990, the General Assembly requested the Commission to consider the subject at its forty-seventh session with a view to submitting the draft principles to the General Assembly at its forty-sixth session.

32. The attention of the Commission may also be drawn to General Assembly resolution 45/93 of 14 December 1990, in which the Assembly called upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural developments and progress.

Human rights and the environment

33. By resolution 45/94 of 18 December 1990 entitled "Need to ensure a healthy environment for the well-being of individuals", the General Assembly encouraged the Commission, with the assistance of its Sub-Commission on Prevention of Discrimination and Protection of Minorities, to continue studying the problems of the environment and its relation to human rights, with a view to submitting to the Preparatory Committee of the United Nations Conference on Environment and Development a report on the progress made on the matter.

34. The attention of the Commission may also be drawn to resolution 45/95 of 14 December 1990, "Guidelines for the regulation of computerized personal data files", in which the Assembly adopted the draft guidelines in their revised version and requested Governments to take into account those guidelines in their legislation and administrative regulations.

Item 15. Implementation of the International Convention on the suppression and punishment of the Crime of Apartheid

35. By resolution 45/90 of 14 December 1990, the General Assembly called upon all States whose transnational corporations continue to do business with South Africa to take appropriate steps to terminate their dealings with South Africa, and requested the Commission to intensify, in co-operation with the Special Committee Against Apartheid, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings have been undertaken.

Item 16. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

36. The General Assembly adopted resolution 45/105 of 14 December 1990 on this subject. By this resolution, the Assembly requested the Secretary-General to implement immediately those activities scheduled for the period 1985-1989 not yet carried out and to proceed with the implementation of the activities scheduled for the biennium 1990-1991, and, in particular, to

continue the study on the effects of racial discrimination on the children of minorities, to finalize the text of the model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination and the handbook on recourse procedures for victims of racial discrimination, and to continue to accord special attention to the situation of migrant workers and their families.

Item 18. Effective functioning of bodies established pursuant to United Nations human rights instruments

37. By resolution 45/85 of 14 December 1990, "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", the General Assembly endorsed the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies, called upon all States to fulfil without delay and in full their financial obligations under the relevant instruments on human rights, considered the financial implications of the effective functioning of bodies, and decided to give priority consideration at its forty-fifth session to the conclusions and recommendations of the meetings of persons chairing treaty bodies, in the light of the deliberations of the Commission.

38. By its resolution 45/88 of 14 December 1990, "Report of the Committee on the Elimination of Racial Discrimination", the General Assembly expressed its profound concern at the fact that a number of States parties to the Convention have still not fulfilled their financial obligations, strongly appealed to all States parties to fulfil them, and requested the Secretary-General to seek to obtain the concurrence of the States parties to the establishment of a "contingency reserve fund", as envisaged in Commission resolution 1990/25 of 27 February 1990.

39. In line with previous years, the General Assembly adopted resolution 45/135 of 14 December 1990, "International Covenants on Human Rights", in which inter alia it decided to hold a commemorative meeting on 16 December 1991, on the twenty-fifth anniversary of their adoption.

Item 20. Rights of persons belonging to national, ethnic, religious and linguistic minorities

40. By its decision "Non-discrimination and protection of minorities" of 18 December 1990, the General Assembly decided to encourage the Commission to complete the final text of the draft declaration as soon as possible.

Item 22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

41. By resolution 45/136 of 14 December 1990, the General Assembly urged States to provide adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, to urge all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief, to consider, in the context of the tenth anniversary in 1991 of the proclamation of the Declaration, what further measures might be taken at the national and regional levels to promote its effective implementation.

Item 24. Status of the Convention on the Rights of the Child

42. By its resolution 45/104 of 14 December 1990, the General Assembly welcomed with deep satisfaction the entry into force of the Convention on 2 September 1990 as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms, and called upon all States that have not done so to sign, ratify or accede to the Convention as a matter of priority.

Item 25. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service

43. This item has been considered by the Commission since 1969. In 1983, the Commission decided to consider this item on a biennial basis, beginning at its forty-first session in 1985, in the light of the work carried out in the Sub-Commission (decision 1983/108 (c)). At its forty-fifth session, the Commission adopted resolution 1989/58, by which it decided to include the item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

ANNEX

GENERAL ASSEMBLY

Forty-fifth Session

List of resolutions and decisions relating to human rights

Resolutions		Relevant agenda items of the forty-seventh session of the Commission on Human Rights
45/74	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.	4
45/84	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa.	6
45/85	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights.	18
45/88	Report of the Committee on the Elimination of Racial Discrimination.	18
45/89	Status of the International Convention on the Elimination of All Forms of Racial Discrimination.	
45/90	Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid.	15
45/92	Human rights and scientific and technological developments.	14
45/93	Human rights and scientific and technological developments.	14
45/94	Need to ensure a healthy environment for the well-being of individuals.	14
45/95	Guidelines for the regulation of computerized personal data files.	14

45/96	Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.	11
45/97	Right to development.	8
45/98	Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States.	7
45/99	Development of public information activities in the field of human rights.	11
45/101	New international humanitarian order.	11
45/102	Promotion of international co-operation in the humanitarian field.	11
45/104	Convention on the Rights of the Child.	24
45/105	Second Decade to Combat Racism and Racial Discrimination.	16
45/130	Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights.	9
45/131	Universal realization of the right of peoples to self-determination.	9
45/132	Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination.	9
45/135	International Covenants on Human Rights.	18
45/136	Elimination of all forms of religious intolerance.	22
45/142	Report of the Committee against Torture and status of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.	10
45/143	United Nations Voluntary Fund for Victims of Torture.	10
45/144	Torture and inhuman treatment of children in detention in South Africa.	5

45/150	Enhancing the effectiveness of the principle of periodic and genuine elections.	11
45/151	Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes.	11
45/152	Status of the Convention on the Prevention and Punishment of the Crime of Genocide.	12
45/153	Human rights and mass exoduses.	12
45/155	World Conference on Human Rights.	12
45/158	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.	13
45/162	Summary or arbitrary executions.	12
45/163	Strengthening of United Nations action in the human rights field through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity.	11
45/164	International Year for the World's Indigenous Peoples.	11
45/165	Question of enforced or involuntary disappearances.	10
45/166	Human rights in the administration of justice.	10
45/167	Regional arrangements for the promotion and protection of human rights.	11
45/168	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region.	11
45/169	International co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms.	
45/170	The situation of human rights in occupied Kuwait.	12
45/172	Situation of human rights and fundamental freedoms in El Salvador.	12

45/173	Situation of human rights in the Islamic Republic of Iran.	12
45/174	Situation of human rights in Afghanistan.	12
45/175	Rationalization of the work of the Third Committee.	
45/180	Developments relating to the activities of the Centre for Human Rights.	11

Decisions

	Request for the will of the people of Myanmar.	
	United Nations Voluntary Fund for Indigenous Populations.	
	Non-discrimination and protection of minorities.	20